

# **WILLIAMSBURG PLANNING COMMISSION MINUTES**

**Wednesday, June 14, 2006**

The regular monthly meeting of the Williamsburg Planning Commission was held on Wednesday, June 14, 2006, at 3:30 p.m. in the Council Chambers at the Stryker Building, 412 North Boundary Street.

## **CALL TO ORDER and ATTENDANCE**

Vice-Chairman Pons called the meeting to order. Present in addition to Mr. Pons, were Commissioners Kafes, Hertzler, and Rose. Chairman Young arrived late. Absent was Commissioner McBeth. Staff members present were Planning Director Nester, Zoning Administrator Murphy, Assistant City Attorney Workman, and Secretary Scott.

## **MINUTES**

Mr. Hertzler moved that the minutes of the May 17 regular meeting and the June 7 work session be approved. Mr. Rose seconded the motion which carried by roll call vote of 4-0. Mr. Pons abstained from voting on the April 19 minutes because he was absent from that meeting.

Recorded vote on the motion:

Aye: Pons, Hertzler, Kafes, Rose

Nay: None

Abstain: Pons (from April 19)

Absent: McBeth, Young

## **CONSENT AGENDA**

There were no items on the consent agenda this month.

## **PUBLIC HEARINGS**

**PCR #06-012: Request of Verizon Wireless, Inc. for a special use permit to move an existing high-tension utility pole located at 2229 Richmond Road (Sno-to-Go) 35 feet further back from Richmond Road and increase its height by 10 feet. It is proposed to install antennas for wireless communications on this utility pole, which is permitted by right in the B-2 District. The moving of the utility pole, however, requires a special use permit. The Commission approved the special use permit with conditions by a vote of 4-0.**

Mr. Nester reviewed the memorandum dated June 8, 2006 in which he stated that the applicant proposes to install antennas for wireless communications on the power pole, which is permitted by right in the B-2 District. Moving the utility pole will have the benefit of moving the high-tension pole from the center of the existing Sno-to-Go parking lot which will greatly improve traffic flow in the lot. Mr. Nester added that in conjunction

with this project, the applicant proposes an aggregate finish generator pad at the rear of the building enclosed by a pressure treated wooden fence.

Vice-Chairman Pons opened the public hearing.

Jen Rosen, applicant's representative, thanked Mr. Nester for his comprehensive presentation of the request. She noted that the Architectural Review Board conditioned their approval on the generator being enclosed completely with a fence and that the fence will be stained to match the building.

There being no additional comment the public hearing was closed.

Mr. Kafes moved that the special use permit to move the existing Dominion Virginia Power pole 35 feet further back from Richmond Road and to increase its height by 10 feet, be approved contingent upon the following:

1. Construction in accordance with the final site plan titled "OUTLET-ELECTRIC TRANSMISSION TOWER CO-LOCATION", dated 04/13/06, prepared by Kimley-Horn and Associates, Inc.
2. Resolution of minor engineering details to the satisfaction of City staff.
3. Receiving final approval from Newport News Water Works prior to issuance of a land disturbing permit.

Mr. Rose seconded the motion which carried by roll call vote of 4-0.

Recorded vote on the motion:

Aye: Pons, Hertzler, Kafes, Rose

Nay: None

Absent: McBeth, Young

**PCR #06-014: Review of Chapter 21, Zoning, of the Williamsburg City Code, Sec. 21-605, Rental of bedrooms in single-family detached dwellings to roomers and visitors. This section regulates Bed & Breakfast establishments, and the Commission is interested in hearing comments on the following questions: (1) Should the quotas that limit the maximum number of Bed & Breakfast establishments on specific corridors be modified; (2) Should the maximum number of rooms allowed for a Bed & Breakfast establishment be increased from the current limit of four rooms; and (3) Should the use of accessory buildings for living quarters for the owners and/or for Bed & Breakfast rooms (currently prohibited in all residential districts) be allowed? The Commission recommended that the regulations regarding quotas and the use of accessory buildings not be changed by a vote of 5-0. A public hearing was scheduled for the July 19 Planning Commission meeting regarding increasing the maximum number of rooms allowed in Bed and Breakfast establishments.**

Mr. Nester noted that staff has provided Commissioners with a substantial amount of additional information regarding Bed & Breakfast regulations, as well as a number of letters and emails which are part of the file on this case. The primary purpose for the public hearing today is to hear comments from citizens on the topic. If the Commission determines that changes to the regulations are necessary, another public hearing with specifics will need to be scheduled followed by a City Council public hearing.

Vice-Chairman Pons opened the public hearing.

**Henry Coleman**, 606 College Terrace, said the City of Williamsburg should be preserving single family neighborhoods and expansion is counter to this goal. His other comments were:

- The bed and breakfast establishments were never meant to be a primary source of income for the owners, rather it was to be an auxiliary income.
- Increasing the number of rooms would necessitate additional parking accommodations. Where would the guests park? This increase would impact the surrounding neighbors with not only increased traffic and parking concerns, but noise.
- The larger bed and breakfasts are not conducive to the single-family neighborhood; they are really quasi-business. The value of bed and breakfast properties has increased significantly, placing other homes in the neighborhood out of reach for most families. Older homes that move into the market will not be available to single families. Once a residence is allowed 8-10 rooms for rental, it will never return to a single-family residence.
- If we want to preserve the single-family residential neighborhood, there will be no increase in the number of rooms allowed.
- Regarding one of the other issues for discussion today, he added that he is not in favor of using accessory buildings as rentals.

**Nanci Bond**, 416 Suri Drive, stated her concern for what is supposed to be owner-occupied, single-family zones. Her other comments were:

- We need to protect our neighborhoods and the bed and breakfast establishments are fine with four rooms. Mrs. Bond read her written statement which included, "... allowing expansion to add or accommodate up to ten rooms for room rental so the B&Bs can provide a better living flies in the face of all the definitions and goals promulgated by the City."
- She noted the local hotels and motels are not filling their rooms, and concluded her comments with "...if good character and the desire to have the City guarantee a good income are deemed reasonable criteria for changing sound rules, as has been the rationale by the advocate proposing the change, then all of we residents should qualify for a rule change of our choice!"

**Jim McCord**, 611 Richmond Road, said he appreciates all the thoughtful comments from Mrs. Bond and Mr. Coleman, and added that if the City is serious about

preservation, then no change in the number of rooms for rental should be made. His other comments were:

- Increasing the number above four would distort the meaning of bed and breakfast; it would instead be a conversion to a small hotel.
- The increase in the allowed number of rooms would increase traffic to the neighborhood; if a B&B owner wants a larger facility, they should purchase land zoned *commercial*. He concluded his comments by urging the Planning Commission to maintain the regulations of 1996.

Mr. McCord read a written statement from his neighbor, **Ruth Kaiser**, 609 Richmond Road:

- Mrs. Kaiser stated she has lived in the City over 20 years and cautions the Commission against increasing the number of allowed rooms for rental.
- An increase would change the essential nature of the B&B itself; the number of rooms allowed for rental should be capped at four. This cap would ensure B&Bs would not intrude on the neighborhood. If increased, they would no longer be homes, they would be commercial properties.

[Chairman Young arrived.]

**Sandra Clay**, 4504 Pleasant View Drive, said she knows some of the innkeepers personally and some professionally and finds they offer the traditional admirable hospitality we are so well known for. They work hard to offer a quality product and their properties are maintained beautifully. She asked the Commission to keep these comments in mind when considering changing the ordinance.

**John Millar**, 710 South Henry Street, cautioned that although the current owners of a B&B might be exemplary neighbors, someone “not so nice” may subsequently move in. His other comments were:

- He was one of the first B&B owners and built his house in 1987-88 to conform to the regulations at the time with two bedrooms for rent. To expand his facility would be out of the question due to the cost involved.
- When two rooms were the limit, his occupancy was over 60%. With four rooms being the cap, his occupancy has dropped to 35%, and if it increases to six rooms, he will have to close his doors.

**Debbie Keane**, 718 Jamestown Road, said she doesn't know why the hesitation to increase rooms. Is it the educated crowds they attract? Is it the high room rates and high occupancy rates? Or maybe the quarter of a million dollars they generate in room tax. Or maybe the garden awards they win with their meticulously kept properties. She noted that she and her husband initiated the question about expansion. Why? They have had their B&B for five years and love the business. She said they have one of the most beautiful homes in the City, and believe they meet the needs of visitors not being met by some of the other B&Bs. Her other comments were:

- Her B&B (A Williamsburg White House) has the space, the need and the ability to expand. No one wants to supersize, however, their property would accommodate an addition and they would like to expand to eight rental rooms.
- The City's B&Bs are located on corridors in order to be out of interior residential districts, and regarding the noise produced by a commercial kitchen, which would be required if the room number increased, she said the noise is not as loud as their four children and two dogs.
- They had originally requested an increase to ten rooms because for the last five decades there has been a B&B in town with ten rental rooms. They are now requesting an increase to eight rooms with a special use permit.

**Tom Patton**, 505 Capitol Court, said he and his wife own and operate the Aldrich House B&B and disagree with Debbie Keane about the number of rooms. He also said:

- There should be no arbitrary number of rooms for rent; the ordinance itself places restrictions that would limit this. People who don't want an increase in rooms are discriminating against B&Bs.
- The size of the lot should determine the size of the building itself. Why limit just because B&B; parking and other restrictions limit the size.
- B&Bs are a better host than anyone else and the owners want to enhance the character of the town, not change it; B&Bs offer visitors a different choice. He is in favor of expansion but asks that the number limitation be removed since other aspects of an expansion would make it self-limiting.
- He also supports the use of an accessory building for use as living quarters because it would free up a room in the house for quests.

**Susan Patton**, 505 Capitol Court, said they moved to Williamsburg because they love the area and want to share its uniqueness with others. Her other comments were:

- They want to have a home business and be present as they raise their children.
- They have been in business nine years, are good neighbors and are good at what they do. She said they are loyal to the community and although they personally cannot expand, if others are able, they should be supported.

**Charles Ridinger**, 5 Canterbury Lane, suggested a "tacky looking" result if the houses are enlarged and comply with fire codes....like the house on Richmond Road across from the new furniture store.

**David Kranbuehl**, 201 Harrison Avenue, said he lives one house away from a B&B and most people would agree that owners of B&Bs make a tremendous contribution to the community. He also said:

- He has lived here for 36 years and the goal has always been to enhance the community and currently it is working. The vast majority of the existing B&Bs should stay as they are; there is no reason for 8 rooms, but 4-6 rooms would be acceptable with a special use permit.

- A work session is needed where criteria for the special use permit would be established after very careful consideration.

**John Keane**, 718 Jamestown Road, said the Hotel/Motel Association has endorsed the expansion of B&Bs. He also said:

- B&Bs are a special group and a lot of visitors don't want to stay at a hotel or motel; they specifically want a B&B.
- Regarding the compliance with fire codes and the "tackiness" resulting, personally, they would have a fire staircase inside their home.
- There are restrictive parking regulations and the fact that before anything can be done many guidelines must be met; it's not an easy process.
- B&Bs should stay on corridors, out of the interior residential areas. His B&B is one that has the capability to expand to 8 rooms.
- This issue has been under review for two years and he would like to have it concluded.

**Craig Canning**, 209 Nelson Avenue, asked that the B&Bs be left as they are. He echoed Mr. Kranbuehl's and Mrs. Kaiser's comments and added that most neighbors agree that the B&Bs do a nice job. He said the ratio between rental and owner-occupied dwelling is higher than 60%; a serious threat to fragile neighborhoods. Although the B&Bs are not responsible for the fragility, any change could be very damaging.

**Alicia Diehl**, 900 South Henry Street, said she is in favor of leaving the B&B regulations as they are. A person's home is their biggest financial investment and larger B&Bs would change the character of the neighborhood.

**Susie Dorsey**, 220 Brookwood Drive, said she doesn't want the number of rooms allowed for rentals to be increased, and would like to suggest the Commission take this opportunity to decrease the number of houses eligible to be a B&B on Jamestown Road.

**Henry Coleman** asked to speak again and said he has one observation – everyone who chooses to add a room onto their home needs to follow the same ordinances. Whether they are a single family home or a B&B they need to adhere to the appropriate ordinances. These are **residential** corridors and when you increase the number of rooms to be rented, you change the residential corridor into a business.

There being no additional comments the public hearing was closed.

Chairman Young thanked members of the audience for being here today and expressing their opinions.

Mr. Kafes suggested that since the agenda is a long one today, the Commission move on to the next item on the agenda and return to this case for action after the others are

heard. However, Chairman Young said it's appropriate to take action now on this issue and the majority of the Board agreed.

A lengthy discussion followed.

- Mr. Pons said that If expansion is permitted, parking changes will need to be made, but only 30% of the lot can be used for parking. If the number of rooms does increase to 6 or 8, only lots that are large enough could expand. Mr. Nester noted that there would probably be only a few B&Bs large enough to proceed with the expansion, but staff has not yet determined a definite number. Mr. Pons said that some questions need to be answered prior to making a decision....if only a few B&Bs are eligible for expansion, it would make a difference. He noted that the parking issue also needs more study.
- Mr. Rose pointed to the need to put this in perspective – maybe 15 to 20 additional rooms are possible, and Riverside, The Village at Quarterpath, and High Street have much greater numbers of residences. The Comprehensive Plan speaks of Revitalization, and the addition of a few more rooms would not really change a neighborhood – they would add to the value, and would limit the number of renters in the neighborhood. He observed that there are more commercial kitchens in Holly Hills than on all of Duke of Gloucester Street. The City's Ordinances will keep things in place, but if we do nothing, we will have a situation like the Southern Inn.
- Mr. Hertzler stated that residential neighborhoods are incredibly fragile and need to be handled with care. The impact of 15 more rooms (and 15 more cars) would be felt - we need to proceed with caution. The person who wants to stay in a two room B&B is probably different than the one who wants to stay in a 6 or 8 room B&B.
- Mr. Kafes said that regarding the three issues: (1) leave the quotas as they are; (2) it's a bad idea to allow use of accessory buildings for living quarters; and (3) he would support up to a maximum of six rooms with limits; if there are more than four rooms, a special use permit should be required. Also, if there are more than four rooms, the lot size should to be at least ½ acre - if this were the case only six of the existing conforming B&Bs would qualify.
- Mr. Nester noted that all B&Bs are in the ARB district so any additions would be reviewed by that Board.
- In response to the question "What happens if the current owner moves and the new owner causes problems. How is the neighborhood protected?," Assistant City Attorney Workman said conditions could be attached to the approval for an increase to 6 or 8 rooms and these would convey with any property transfer. Or, it could be a requirement that the new owner apply or that the special use permit be in the owner's name rather than the property. Mr. Rose noted the last suggestion would negate the value of selling the property as a B&B.

Commission consensus was that more discussion is needed on the issue of the number of rooms allowed and a work session should be scheduled. Mr. Kafes moved that the

first two issues [(1) Should the quotas that limit the maximum number of Bed & Breakfast establishments on specific corridors be modified; and (2) Should the use of accessory buildings for living quarters for the owners and/or for Bed & Breakfast rooms (currently prohibited in all residential districts) be allowed] not be changed. Mr. Hertzler seconded the motion which carried by roll call vote of 5-0.

Recorded vote on the motion:

Aye: Pons, Hertzler, Kafes, Rose, Young

Nay: None

Absent: McBeth

Mr. Kafes moved that a public hearing be advertised for the July 19 Planning Commission meeting for public comment on the rental of bedrooms to visitors (Bed and Breakfast Establishments) to increase the number of bedrooms allowed to be rented in an owner-occupied single-family detached dwelling from 4 to up to 10 bedrooms. Rental of more than 4 bedrooms would require a special use permit approved by City Council. Mr. Rose seconded the motion which carried by roll call vote of 5-0.

Recorded vote on the motion:

Aye: Pons, Hertzler, Kafes, Rose, Young

Nay: None

Absent: McBeth

**PCR #06-015: Request of The Colonial Williamsburg Foundation to amend Chapter 21, Zoning, of the Williamsburg City Code, by revising Article VI. Signs, by adding provisions allowing additional monument signs for a regional visitor center (Sec. 21-747(10). It is proposed to erect two 75 square foot monument signs for the Colonial Williamsburg Visitor Center at its entrance on Visitor Center Drive (Rt. 132Y). The Commission tabled the request by a vote of 5-0.**

Mr. Nester reviewed the request for the amendment to the sign regulations. The applicant proposes the amendment to allow appropriate signage in conjunction with the transformation of the Colonial Williamsburg Visitor Center into a Regional Welcome Center supporting the commemoration of America's 400<sup>th</sup> anniversary. Mr. Nester added that Rich Krapf, Director of Operations at the Colonial Williamsburg Visitor Center, is present to respond to any questions or comments.

Chairman Young opened the public hearing.

There being no comment the public hearing was closed.

Mr. Kafes stated that if this is to be a regional visitor center, the sign should say so. Discussion followed about the proposed signage not actually stating that it is a Regional Visitor Center. Mr. Pons noted that others would probably like a larger sign. Even



though this is a good-looking sign, he said he cannot support it. There was additional discussion about the current sign regulations and options.

Mr. Pons moved that the request be tabled and that Mr. Nester advertise the proposed amendment for a public hearing at the July 19 meeting with the wording change for the sign to be for a *nonprofit visitor center* rather than a nonprofit regional visitor center.

Mr. Kafes seconded the motion which carried by roll call vote of 5-0.

Recorded vote on the motion:

Aye: Pons, Hertzler, Kafes, Rose, Young

Nay: None

Absent: McBeth

## OPEN FORUM

Chairman Young opened the Open Forum portion of the meeting encouraging comments from the audience on any topic.

Unidentified gentleman, 173 Exmoor Court, expressed his concern about the number of trees removed from the Holly Hills Professional Park site. He said there is only one left standing, 10-12 homeowners will be affected, and he'd like the developer, Mr. Cale, to be responsible for replacing the large trees and evergreen shrubbery that were removed.

**David Mutter**, 240 Brookwood Drive, a new resident who said he moved here because of the charm of the area; the beautiful fauna and flora. He knew there would be an office park, but the entire knoll has been stripped of every tree. He said the City of Williamsburg needs a tree ordinance and encouraged pursuit of such regulation. He concluded his comments by asking that Mr. Cale replace the trees.

**Kyra Cook**, 315 Penniman Road, whose property is about 20 feet from the proposed 400 timeshare project, noted that Pat Rogers, owner of 311 and 313 Penniman Road, is in the audience today and is in support of her comments. She has studied the site plan and other documents pertaining to the project and understands that it is within the bounds of the zoning regulations, will provide tax revenue, and appears to be a high quality project. However, she expressed her concern particularly about the height of building 6B in the project and distributed copies of pictures of her property in relation to this 40 foot tall structure. She asked that the proposed four-story building, "that is as long as a football field and towers over the residential properties," be reduced to two stories and that an 8 foot privacy fence be required. She also expressed her concern about the safety of the road, and wonders how many more cars are expected. She suggested a 25 mph limit and perhaps a speed trap or two as a means of traffic calming.

There being no further comment from the audience the Open Forum was closed.

## **SITE PLANS AND SUBDIVISIONS**

**SPR #06-015: Holly Hills Professional Park, 200 Brookwood Drive – revision of approved site plan from four buildings to seven buildings. The Commission approved the revision with contingencies by a vote of 5-0.**

Zoning Administrator Murphy reviewed the proposed amendment to the previously approved site plan. The proposal is to change the number of buildings from four to seven. She noted the four building proposal contained 40,000 square feet (10,000 sf per building) and the revised seven building design contains 42,700 square feet (6,100 sf per building). The revision is the result of the design of the buildings and the requirement for another means of egress; either a staircase or an elevator. With the footprint increased over 10,000 square feet, a special use permit would have been required and the applicant preferred to avoid this procedural step.

Mrs. Murphy said there is a 75-foot transitional buffer between the project and Route 199 as required by the Zoning Ordinance and a variety of plant material is proposed for that buffer. She noted that the revised building elevations received approval from the Architectural Review Board on March 28, 2006. Mrs. Murphy said representative Steve Romeo from LandMark Designs is present to respond to any questions or comments.

Discussion followed and included:

1. Two inch caliper tree is required by the Zoning Ordinance for replacement. Could a larger caliper of tree be required in this case? Mrs. Murphy responded that if the Commission so wishes that could be a requirement.
2. If this proposal had been the original plan submitted is there any reason why it wouldn't have been approved? Mrs. Murphy responded that it probably would have been approved; it is less square footage per building and basically the same landscaping plan.
3. The revision is less obtrusive than the original two-story with basement buildings.

Mr. Pons moved that the revision to the site plan be approved with the following contingencies:

1. Certification by an engineer that the site improvements have been inspected and certified as being properly constructed prior to the issuance of any certificate of occupancy.
2. Provision of an easement agreement and plat for the water system improvement prior to the issuance of any certificate of occupancy.
3. Dedication of the right-of-way for Brookwood Drive prior to the issuance of any certificate of occupancy for the project.

Mr. Kafes seconded the motion which carried by roll call vote of 5-0.

Recorded vote on the motion:

Aye: Pons, Hertzler, Kafes, Rose, Young

Nay: None

Absent: McBeth

**SPR #06-014: Colonial Penniman LLC, Penniman Road – 400 unit timeshare project –presentation of conceptual plan, final consideration scheduled for the July 19 meeting.**

Zoning Administrator Murphy stated this is an application for preliminary review of a site plan for 400 timeshare units containing 840 beds with 691 parking spaces on several parcels consisting of 18.09 acres along Penniman Road, Page Street and the railroad tracks. The project contains six timeshare buildings, a welcome center, an indoor pool/spa building and a maintenance building. She noted that although no action is required at this meeting, the applicant would like to receive comments or concerns on the project. Representatives present were Dave Donovan, BlueGreen Corporation; Mark Bennett, AES Consulting Engineers; and Tom Tingle, Guernsey Tingle Architects.

Mr. Donovan presented a brief introduction to the BlueGreen Corporation. He spoke of the company providing an urban-style resort experience. Messrs. Bennett and Tingle gave an overview of the project that will be accomplished in phases over a period of 8-14 years. Commission expressed concerns regarding traffic, particularly at the Penniman and Page Street intersection, and were told the City's Public Works and Utilities department is working on a traffic light for this location as well as one at the Second Street and Parkway Drive/Broadway Avenue intersection. Colonial Williamsburg is working with staff on the issue of pedestrian traffic to the restored area.

Chairman Young thanked the project representatives for their presentation. They will return to the Commission for final site plan approval at the July 19 meeting.

**OLD BUSINESS**

2006 Comprehensive Plan

Commission will have a work session on June 22 regarding the Comprehensive Plan.

**NEW BUSINESS - None**

**OTHER - None**

**INFORMATION ITEMS**

Report from City Council

Planning Department Monthly Report

Monthly Financial Statement

There being no further business the meeting adjourned at 7:20 p.m.

Jesse Young, Chairman  
Williamsburg Planning Commission

### **PUBLIC HEARINGS SCHEDULED FOR JULY 19, 2006**

**PCR #06-014:** Amendment of Chapter 21, Zoning, of the Williamsburg City Code, Sec. 21-605(e), Rental of bedrooms to visitors (Bed & Breakfast Establishments), to increase the number of bedrooms allowed to be rented in an owner-occupied single family detached dwelling from 4 to up to 10 bedrooms. Rental of more than 4 bedrooms would require a special use permit approved by City Council. Following the public hearing, Planning Commission may recommend to City Council a specific maximum number of bedrooms that can be rented, which may be less than 10 bedrooms.

**PCR #06-015:** Request of The Colonial Williamsburg Foundation to amend Chapter 21, Zoning, of the Williamsburg City Code, by revising Article VI. Signs by adding provisions allowing additional monument signs for a regional visitor center (Sec. 21-747(10)). It is proposed to erect two 75 square foot monument signs for the Colonial Williamsburg Visitor Center at its entrance on Visitor Center Drive (Rt. 132Y). Planning Commission has requested review of an option that would allow additional monument signage for a nonprofit visitor center instead of a nonprofit regional visitor center.